

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 VICTOR TAGLE,

6 Plaintiff,

7 vs.

8 STATE OF NEVADA, NDOC, NDOC'S
9 EMPLOYEES, *et al.*,

10 Defendants.
11

2:15-cv-01402-JAD-VCF

**DISCOVERY PLAN AND SCHEDULING
ORDER**

12 Before the Court is the *Victor Tagle v. State of Nevada, et al.*, case number 2:15-cv-01402-JAD-
13 VCF.

14 On January 4, 2018, this case was stayed pending resolution of the state case with the 7th Judicial
15 District Court. (ECF NO. 153). The Court held a status hearing on July 3, 2018, and heard representations
16 from the parties. Defendants state that they have supplemented the record of the state action and may file
17 a motion to dismiss in that matter.

18 Pursuant to Local Rule 16-1(b), "in actions by or on behalf of inmates under 42 U.S.C. § 1983
19 ...no discovery plan is required," rather "a scheduling order [is] entered within thirty (30) days after the
20 first defendant answers or otherwise appears." This is an action brought under 42 U.S.C. § 1983 and
21 Defendants have appeared.

22 The court finds that discovery must commence. Plaintiff is advised that discovery must be focused
23 only on the issues raised in this case.

24 Accordingly,

25 IT IS HEREBY ORDERED that the following discovery deadlines apply:

1 1. DISCOVERY: Pursuant to LR 16-1(b), discovery in this action shall be completed on or
2 before **November 5, 2018**.

3 2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are allowed
4 without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall be filed and
5 served not later than **August 7, 2018**.

6 3. Expert disclosures shall be made on or before **September 6, 2018**, and the disclosures of
7 rebuttal experts shall be made on or before **October 9, 2018**.

8 5. Dispositive Motions shall be filed and served no later than **December 5, 2018**.

9 6. The Joint Pretrial Order is due by **January 4, 2019**. If dispositive motions are filed, the
10 joint pretrial order is due thirty (30) days from the entry of the court's rulings on the motions or by further
11 order of the court.

12 7. The Interim Status Report must be filed or before **September 6, 2018**.

13 8. EXTENSIONS OF DISCOVERY: Pursuant to LR 26-4, a motion or stipulation to
14 extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying
15 the requirements of LR IA 6-1, be supported by a showing of good cause for the extension. A motion or
16 stipulation to extend a deadline set forth in a discovery plan must be received by the court no later than
17 21 days before the expiration of the subject deadline. A request made within 21 days of the subject
18 deadline must be supported by a showing of good cause. A request made after the expiration of the subject
19 deadline will not be granted unless the movant also demonstrates that the failure to act was the result of
20 excusable neglect. A motion or stipulation to extend a discovery deadline or to reopen discovery must
21 include:

22 (a) A statement specifying the discovery completed;

23 (b) A specific description of the discovery that remains to be completed;

24 (c) The reasons why the deadline was not satisfied or the remaining discovery was
25 not completed within the time limits set by the discovery plan; and

1 (d) A proposed schedule for completing all remaining discovery.

2 IT IS FURTHER ORDERED that the stay is lifted.

3 IT IS FURTHER ORDERED that appearing defendants must file an answer or response to the
4 complaint, on or before July 18, 2018.

5 DATED this 3rd day of July, 2018.



6 CAM FERENBACH
7 UNITED STATES MAGISTRATE JUDGE
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